1 2 3 4 5	Glenn E. Westreich (State Bar No.100457) gwestreich@nixonpeabody.com Beth L. Mitchell (State Bar No. 187460) bmitchell@nixonpeabody.com Rosalyn P. Mitchell (State Bar No. 173829) rmitchell@nixonpeabody.com NIXON PEABODY LLP Two Embarcadero Center, Suite 2700 San Francisco, CA 94111 Telephone: (415) 984-8200 Facsimile: (415) 984-8300	
6 7 8 9	Michael St. James (State Bar No. 95653) ST. JAMES LAW, P.C. 155 Montgomery Street, Suite 1004 San Francisco, CA 94104 michael@stjames-law.com Telephone: (415) 391-7566 Facsimile: (415) 391-7568	
11 11 12	Attorneys for Defendants/Cross-Claimants JOHN M. AND FLORENCE E. BRYAN TRUST	
13 14 15		DISTRICT COURT
16 17	In re Case No. 05-14659	Case No. C 07-2943 PJH
1 /		
19	THE LEGACY ESTATE GROUP, LLC, formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD & WINERY	REQUEST FOR EXPEDITED DETERMINATION ON RENEWED MOTION TO WITHDRAW REFERENCE
19 20 21	formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD &	DETERMINATION ON RENEWED MOTION
19 20 21 22	formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD & WINERY	DETERMINATION ON RENEWED MOTION
19 20 21 22 23	formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD & WINERY Debtor Adv. No. 06-01173 OFFICIAL COMMITTEE OF UNSECURED	DETERMINATION ON RENEWED MOTION
18 19 220 221 222 223 224 225	formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD & WINERY Debtor Adv. No. 06-01173	DETERMINATION ON RENEWED MOTION
19 20 21 22 23 24	formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD & WINERY Debtor Adv. No. 06-01173 OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF THE LEGACY ESTATE	DETERMINATION ON RENEWED MOTION
119 220 221 222 223 224 225	formerly doing business as FREEMARK ABBEY WINERY, BYRON VINEYARD & WINERY, and ARROWOOD VINEYARD & WINERY Debtor Adv. No. 06-01173 OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF THE LEGACY ESTATE GROUP, LLC,	DETERMINATION ON RENEWED MOTION

	Case 3:07-cv-02943-PJH Document 20
1	JOHN M. BRYAN, JOHN M. AND
2	FLORENCE E. BRYAN TRUST, J.M. BRYAN FAMILY TRUST, KULWINDER SIDHU,
	DEVINDER SIDHU, PACIFIC PARAGON
3	INVESTMENT FUND LTD, a British Columbia
4	company, HARRY CHEW, and AIC CAPITAL PARTNERS, LLC, a California limited liability
5	company
6	Defendants.
7	IOUNIM DRYAN IOUNIM AND
/	JOHN M. BRYAN, JOHN M. AND FLORENCE E. BRYAN TRUST, J.M. BRYAN
8	FAMILY TRUST,
9	Defendants/Cross-Claimants,
10	v.
11	KULWINDER SIDHU, DEVINDER SIDHU,
12	PACIFIC PARAGON INVESTMENT FUND LTD, a British Columbia company, HARRY
	L TILL A BUILSO COURDINA COUDANY HARRY
12	
13	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and
13 14	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and LAMINAR DIRECT CAPITAL, L.P., a Texas
	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and
14	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and LAMINAR DIRECT CAPITAL, L.P., a Texas limited partnership
14 15	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and LAMINAR DIRECT CAPITAL, L.P., a Texas limited partnership
14 15 16	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and LAMINAR DIRECT CAPITAL, L.P., a Texas limited partnership Defendants/Cross-Defendants.
14 15 16 17	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and LAMINAR DIRECT CAPITAL, L.P., a Texas limited partnership Defendants/Cross-Defendants. TO: THE HONORABLE PHYLLIS J. HAMII UNITED STATES DISTRICT JUDGE
14 15 16 17 18	CHEW, AIC CAPITAL PARTNERS, LLC, a California limited liability company, and LAMINAR DIRECT CAPITAL, L.P., a Texas limited partnership Defendants/Cross-Defendants. TO: THE HONORABLE PHYLLIS J. HAMII

LIS J. HAMILTON CT JUDGE

ectfully requests that the Court expedite its consideration of the ithdraw the Reference with respect to the above lawsuit, presently pending in the Santa Rosa Bankruptcy Court, and in support thereof respectfully represents:

- 1. The JFB Trust is entitled to have the above matter tried to a jury in the District Court.
- 2. The Bankruptcy Judge has announced his intention to conduct a trial of the lawsuit without a jury on November 13, 2007. The Bankruptcy Judge has announced his intention fundamentally to impair the JFB Trust's jury trial right by creating collateral estoppel at that trial.

27 28

22

23

24

25

26

3. Unless the Court rules on the Renewed Motion prior to November 13, 2007, there is a substantial danger that the JFB Trust's Seventh Amendment rights will be materially impaired.

WHEREFORE, the JFB Trust prays that the Court make and enter such Orders as may be fitting and proper to ensure that the Renewed Motion is determined on the merits prior to November 13, 2007, and grant such other and further relief as may be just and proper.

Respectfully submitted,

DATED: October 15, 2007 NIXON PEABODY, LLP ST. JAMES LAW, P.C.

By: <u>/s/ Michael St. James</u> . Michael St. James Counsel for the JFB Trust